

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

AMANDA ANDRUS-KARKER,

Plaintiff,

No. 6:13-cv-02134-PK

v.

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,

ORDER

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [25] on April 1, 2015, in which he recommends that this Court reverse the Commissioner's decision to deny supplemental security income (SSI) to Plaintiff Amanda Andrus-Karker and remand the case for further administrative proceedings. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings & Recommendation. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation,

the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

Plaintiff contends that, after Magistrate Judge Papak found that the ALJ erroneously rejected the opinion of examining psychologist Dr. Prescott, Judge Papak should have remanded the case for a payment of benefits. Similarly, Plaintiff contends that the opinion of the school psychologist and lay witness evidence support a finding of disability. Plaintiff asks this Court to remand for a calculation and award of benefits under the “credit-as-true” rule, instead of remanding for further proceedings.

I have carefully considered Plaintiff’s objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Papak’s Findings & Recommendation [25], and therefore, the Commissioner’s final decision is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

DATED this 2 day of June, 2015.

  
MARCO A. HERNANDEZ  
United States District Judge